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BEFORE THE  
SHORELINES HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF A )  
SUBSTANTIAL DEVELOPMENT PERMIT )  
DENIED BY THE CITY OF SEATTLE )  
TO MERLE STEINMAN )  
MERLE STEINMAN, )  
Appellant, )  
vs. )  
CITY OF SEATTLE, )  
Respondent. )

SHB No. 29

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

This matter, a Request for Review of the denial by the City of Seattle of a substantial development permit sought by appellant, came before members of the Shorelines Hearings Board in Olympia, Washington on February 21, 1973. Appellant, Merle Steinman, appeared pro se; respondent, City of Seattle, was represented by Gordon Crandall, Assistant Corporation Counsel. Board members present were: W. A. Gissberg (acting as presiding officer), Ralph A. Beswick, and James

1 T. Sheehy. Robert F. Hintz, a member of the Board was present but  
2 disqualified himself from judging the appeal since he was involved  
3 in the hearing itself. The proceedings were recorded by Irene  
4 Dahlgren, Olympia court reporter.

5 The Board, having weighed the evidence presented and further  
6 having heard the testimony of the parties and reviewed the transcript  
7 of the proceedings makes the following:

8 FINDINGS OF FACT

9 I.

10 The Shoreline Management Act requires that in any review of the  
11 granting or denial of an application for a permit, the person requesting  
12 the review shall have the burden of proof.

13 II.

14 Appellant owns deeded property at 3641 Beach Drive S.W. (south of  
15 Alki Point) in Seattle, Washington. Said property extends 592 feet  
16 from the street line to the Government Meander Line and is 50 feet in  
17 width. Appellant proposes to place a bulkhead and fill on the tide-  
18 lands he owns to provide land area for dry storage of two boats and a  
19 boat launching ramp to reach the water at acceptable height of tide.  
20 Such fill, all within the Government Meander line, would extend  
21 toward the water approximately 125 feet beyond appellant's present  
22 existing shoreline. The fill proposed would still set approximately  
23 267 feet from the meander line.

24 III.

25 It is not disputed by respondent that appellant owns land and

26 FINDINGS OF FACT,  
27 CONCLUSIONS AND ORDER

1 tidelands to the Government Meander Line.

2 IV.

3 A bulkhead surrounds appellant's dry land property on three  
4 sides, the south side, water side and north side, having been placed  
5 there in 1950 and being there when appellant purchased the property.  
6 Farther out, on the south line of this property is another partial  
7 bulkhead extending to within 50 feet of the Government Meander Line.  
8 The elevation of the top of the rocks within this partial bulkhead is  
9 approximately 15 feet. This rock bulkhead is approximately 15 feet.  
10 This rock bulkhead was placed by appellant and others in 1961 and was  
11 approved by permits granted by the Army Corps of Engineers and the  
12 City of Seattle.

13 V.

14 The proposed fill would be 50 feet wide and 125 feet deep or  
15 approximately 6,250 square feet. It would require approximately 3,250  
16 cubic yards of fill to be contained within a rock bulkhead. The  
17 bulkhead would be Class A rock riprap and the fill would be made up  
18 of Class B riprap and clean fill all to be hauled in by truck.

19 VI.

20 The property in this matter is zoned multiple residence, low  
21 density.

22 VII.

23 Appellant's application for a substantial development permit was  
24 received by the City of Seattle on April 26, 1972. It was originally  
25 submitted in October, 1971. No action was taken by the City of  
26 Seattle at the time of first submittal but the record sheds no light

1 on the reasons for delay.

2 VIII.

3 A mandatory injunction requiring appellant to remove a rock fill  
4 in front of but on his property and extending into the waterway was  
5 entered by judgment of the Superior Court of King County on  
6 April 26, 1963. Such judgment was thereafter not modified or vacated.

7 IX.

8 Ordinance No. 100423 of the City of Seattle establishes the duty of  
9 the Department of Community Development to evaluate and make  
10 recommendations on shoreline permits to the Superintendent of  
11 Buildings. All permits granted by the Superintendent of Buildings  
12 shall be consistent with a determination and direction of the Director  
13 of Community Development and thereafter the Superintendent of  
14 Buildings is responsible for the administration of the permit.

15 X.

16 Under the permit system developed by Ordinance No. 100423, no  
17 public hearing is required. Advertising in a metropolitan paper of  
18 general circulation as well as a paper of circulation within the  
19 immediate environs of the site is required. The posting of four  
20 placards on and near the site indicating the proposed action and  
21 inviting comments by interested parties is required. The statute  
22 provides a 30-day waiting period during which time comments received,  
23 whether written or otherwise, are built into an open file. This file  
24 is circulated to six departments of the City of Seattle for comments  
25 and also to King County if it is known that the County has an interest.  
26 Such file was available for examination by appellant during the

1 30-day waiting period.

2 From these Findings of Fact, the Shorlines Hearings Board comes  
3 to these

4 CONCLUSIONS OF LAW

5 I.

6 The policy section (Section 2) of the Shoreline Management Act  
7 states clearly that "unrestricted construction on the privately-  
8 owned shorelines of the state is not in the best public interest."

9 II.

10 The Shoreline Management Act also states that "Permitted uses in  
11 the shorelines of the state shall be designed and conducted in a  
12 manner to minimize, insofar as practical, any resultant damage to  
13 the ecology and environment of the shoreline area and any interference  
14 with the public's use of the water. The extent, scope and size of the  
15 proposed fill would violate this policy. This project does not meet  
16 these requirements.

17 III.

18 The basic objection is the size of the fill on intertidal area  
19 for boat storage and boat launching ramp to be accessory to a duplex.  
20 The fill would be unnecessarily damaging to the intertidal area just  
21 to serve such a need.

22 IV.

23 Section 3 of the City of Seattle's Ordinance No. 100423 imposes  
24 regulations on the use of the shorelines of state-wide significance  
25 lying within the boundaries of the City.

27 FINDINGS OF FACT,  
CONCLUSIONS AND ORDER

ORDER

This appeal of the denial by the City of Seattle of a substantial development permit sought by appellant is denied without prejudice.

DONE at Lacey, Washington this 6th day of June, 1973.

SHORELINES HEARINGS BOARD

Walt Woodward  
WALT WOODWARD, Chairman

Ralph A. Beswick  
RALPH A. BESWICK, Member

W. A. Gissberg  
W. A. GISSBERG, Member

Tracy J. Owen  
TRACY J. OWEN, Member

James T. Sheehy  
JAMES T. SHEEHY, Member

FINDINGS OF FACT,  
CONCLUSIONS AND ORDER